

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

RSA-3568-2013(O&M)
Date of Decision: 12.12.2017

MALIK SINGH

...APPELLANT

VS

STATE OF HARYANA & OTHERS.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Parminder Singh, Advocate
for the appellant.

Dr. Sushil Gautam, DAG, Haryana.

AJAY TEWARI, J.(Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit filed by the appellant whereby he had challenged punishment of stoppage of three increments which was imposed upon him. On 25.4.2014, the following order was passed:-

“Learned counsel for the appellant, inter alia, contends that three employees including the appellant were proceeded against together. All the three faced the enquiry proceedings. Similar charges were framed and allegedly proved against all the three employees. He further submits that similar punishment was awarded to the appellant as well as to both the co-employees of the appellant namely Dinesh Kumar and Ashok Kumar. However, appellate authority accepted the appeals filed by Dinesh Kumar and Ashok Kumar whereas appeal of the appellant was illegally dismissed. This was so admitted by the official witness PW3- H.C.Pawan Kumar. However, since the learned courts below have completely misread and misconstrued the facts as well as evidence available on record, the impugned judgments and decrees were not sustainable in law.

Notice of motion for 16.9.2014.”

Learned Deputy Advocate General states that thereafter on the order of the this Court specific affidavit dated 11.5.2015 of Sh. Omvir Singh, HPS Commandant 4th Battalion, Haryana Armed Police, Madhuban was filed whereby it was clarified that the punishment imposed upon Malik Singh was never withdrawn. Learned Deputy Advocate General has further argued that this argument has been conjured out of thin air at the time of appeal and neither this was pleaded nor this evidence was placed on record.

In view of the present affidavit no fault can be found in the judgments of the Courts below. I find the argument of learned Deputy Advocate General more weighty.

Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

12.12.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No